

**U.S. Fish and Wildlife Serv., Interior**

**§ 18.122**

the waiver is approved, the final adopted regulations shall be promulgated with the decision, or as soon thereafter as practicable.

**Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species**

SOURCE: 41 FR 14373, Apr. 5, 1976, unless otherwise noted.

**§ 18.92 Purpose of regulations.**

The regulations contained in this subpart fulfill the requirements of section 103 of the Act for regulations to govern the taking and importation of each species of marine mammal for which the moratorium imposed by section 101 has been waived.

**§ 18.93 Scope of regulations.**

(a) The provisions in this subpart apply only after (1) the Director has made a decision to waive a moratorium pursuant to section 101(a)(3)(A) of the Act, (2) the opportunity for a hearing required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by §18.31 of this part, or takings incidental to commercial fishing operations which are governed by §18.24.

**§ 18.94 Pacific walrus (Alaska).**

(a) Pursuant to sections 101(a)(3)(A) 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (*Odobenus rosmarus*) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, provided that

beginning August 2, 1979 this waiver shall not be effective, and no taking or importation under the waiver shall be allowed, until this section is amended to establish regulations to effectively control taking and otherwise implement the waiver.

(b) [Reserved]

[41 FR 14373, Apr. 5, 1976, as amended at 44 FR 45566, Aug. 2, 1979]

**Subpart I [Reserved]**

**Subpart J—Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska**

SOURCE: 65 FR 16842, Mar. 30, 2000; 65 FR 67305, Nov. 9, 2000, unless otherwise noted.

EFFECTIVE DATE NOTE: At 65 FR 16842, Mar. 30, 2000, as corrected at 65 FR 67305, Nov. 9, 2000, Subpart J was added, effective Mar. 30, 2000 through Mar. 31, 2003.

**§ 18.121 What specified activities does this rule cover?**

Regulations in this subpart apply to the incidental, but not intentional, take of small numbers of polar bear and Pacific walrus by you (U.S. citizens as defined in §18.27(c)) while engaged in oil and gas exploration, development, and production activities and environmental monitoring associated with oil and gas industry activities in the Beaufort Sea and adjacent northern coast of Alaska. The offshore exploration, development, and production facility, known as Northstar, is covered by this rule. Future offshore development and production, such as the proposed Liberty project, is not covered by this rule.

**§ 18.122 In what specified geographic region does this rule apply?**

This rule applies to the specified geographic region defined by a north/south line at Barrow, Alaska, and includes all Alaska coastal areas, State waters, and all Outer Continental Shelf waters east of that line to the Canadian border and an area 25 miles inland from Barrow on the west to the Canning River on the